

# **EXHIBIT B**

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January 25, 2024

**VIA E-MAIL**

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**Re: *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, JCCP 5255 and MDL No. 3047 – Defendants’ Preservation Demands***

Dear Counsel:

On behalf of MDL and JCCP leadership in the above-referenced matters, we write to respond to Defendants’<sup>1</sup> January 5, 2024, letter concerning Defendants’ demands for local government entity plaintiffs (“GE Plaintiffs”) preservation.

**Custodians.** Defendants’ January 5 letter repeats Defendants’ position regarding preservation custodians for the GE Plaintiffs.<sup>2</sup> The parties have discussed this issue at length, in written correspondence and meet-and-confers. The GE Plaintiffs reiterate their position expressed in prior correspondence dated July 18, 2023, August 30, 2023, and December 7, 2023. In short, Defendants’ demand that Plaintiffs preserve the complete custodial files of “all individuals who may have [relevant] information” is untenable, unreasonable, and disproportionate to the needs of the case. The GE Plaintiffs vary in size, organization, and sophistication, with no one plaintiff’s circumstances the same as another. Counsel for the GE Plaintiffs are communicating with their respective clients about their preservation obligations on an individualized basis and are complying with applicable law, rather than merely adopting the categorical approach insisted on by

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<sup>1</sup> Meta Platforms, Inc.; Facebook Holdings, LLC; Facebook Operations, LLC; Meta Payments Inc; Meta Platform Technologies, LLC; Facebook Technologies, LLC; Instagram, LLC; Siculus, Inc.; Whatsapp, Inc.; Snap Inc.; TikTok Inc.; ByteDance Inc.; YouTube, LLC; Google LLC; XXVI Holdings Inc.; and Alphabet Inc.

<sup>2</sup> As previously indicated, for ease of reference, the GE Plaintiffs adopt Defendants nomenclature for the disputes. But the GE Plaintiffs do not agree that every individual whose information is preserved would be a proper custodian for discovery.

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Defendants, which cannot be tailored to each plaintiff's systems and operations. In general, the GE Plaintiffs have reasonably limited their preservation efforts to individuals, administrators, departments, committees, and boards whose primary responsibility and role is to address issues concerning students' use of social media, including to provide health and physical safety supports for students, including policy development, enforcement, treatment, funding, and information technology support.

**Timeframe.** As previously stated, the GE Plaintiffs are willing to preserve centralized documents back to 2010, to the extent available. In the interest of compromise, the GE Plaintiffs agree to Defendants' demand that custodial files be preserved back to the 2015-16 school year, to the extent available.

\* \* \* \*

We are communicating the positions expressed in this letter and prior correspondence on this issue to counsel for GE Plaintiffs not represented by our firms. Ultimately, preservation decisions must be assessed on a case-by-case basis by counsel for each GE Plaintiff based on their specific circumstances.

As stated, the GE Plaintiffs are taking reasonable efforts to preserve potentially discoverable information and will continue to do so as appropriate. The GE Plaintiffs do not waive and expressly preserve their rights to object to the production of documents and information discussed herein, prior correspondence, or during the parties' past and future meet-and-confers.

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If Defendants believe disputes remain and intend to seek relief from any court, please explain the relief Defendants intend to seek and provide your availability for a meet-and-confer.

Sincerely,



**DEAN KAWAMOTO**  
**Co-Chair of the JCCP Government Entity**  
**Committee**



**MICHAEL WEINKOWITZ**  
**MDL Plaintiff Steering Committee Leadership**  
**Co-Chair of MDL Government Entity**  
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**MELISSA YEATES**  
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